

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

February 13, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2297	H-8008	Filed	DEYOE of Story

Fiscal Notes

[HF 2255](#) — [Contraband In Prison](#) (LSB5699HV)

[HF 2270](#) — [Kidnapping of Minor](#) (LSB5455HV)

[HF 2279](#) — [School Operational Sharing Incentives for Social Workers](#)
(LSB5622HV)

HOUSE FILE 2297

H-8008

- 1 Amend House File 2297 as follows:
- 2 1. Page 1, line 3, by striking <heating>
- 3 2. Page 1, line 5, by striking <annually> and inserting
- 4 <annually>

By DEYOE of Story

H-8008 FILED FEBRUARY 12, 2018



HF 2255 – Contraband in Prison (LSB5699HV)

Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov

Fiscal Note Version – New

Description

House File 2255 relates to the possession of contraband in or on the grounds of a community-based correctional (CBC) facility, and provides penalties. The Bill adds CBC facilities to the facilities and institutions where a person may commit the criminal offense of possessing contraband.

Background

Under current law, contraband is defined to include controlled substances, intoxicating beverages, weapons, explosives, knives or other cutting devices, and items that may be used to facilitate an escape. A person commits a Class C felony if the contraband is a weapon, a Class D felony if the contraband is a controlled substance or intoxicating beverage, and an aggravated misdemeanor if the contraband is an item that may be used to facilitate an escape. A person also commits an aggravated misdemeanor for failing to report a known violation or attempted violation involving contraband to an official or officer at a CBC facility.

The Bill, in part, is in response to the Iowa Supreme Court decision in [State v. Halverson](#), which held that a person illegally possessing a controlled substance at a CBC does not commit the criminal offense of possessing contraband because a CBC facility is not an institution under the control of the Department of Corrections (DOC).

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The minimum cost for each offense shown in **Table 2** includes judicial and probation costs to the State. The maximum cost per offense includes costs to the Judicial Branch, Indigent Defense Fund, and the Department of Corrections.

Impacts

Correctional Impact

In FY 2017, there were 77 convictions of possession of contraband under Iowa Code section [719.7](#). The Bill is estimated to result in an additional 72 convictions annually. **Table 1** shows the estimated increase in prison, jail, CBC facility, and probation/parole admissions. The prison population would also increase by approximately 149 inmates annually by year two of implementation.

Table 1 – HF 2255, Increase in Orders

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Prison Admissions	27	54	54	54	54
Jail Admissions	9	18	18	18	18
CBC Admissions	3	7	7	7	7
Probation/Parole	23	47	47	47	47

Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact

In FY 2017, approximately 16.0% of individuals convicted of Iowa Code section [719.7](#) offenses were African-American. In the second year of enactment, it is estimated there would be 24 more admissions to prison, 3 more admissions to jail, and 15 more admissions to probation of African-Americans. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

[House File 2255](#) is estimated to have a fiscal impact of \$555,400 in FY 2019 and \$1.2 million in FY 2020. This estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, Indigent Defense Fund, and the DOC as shown in **Table 2**. Under this Bill there would be:

- An estimated one additional Class C felony conviction in FY 2019 and FY 2020.
- An estimated 36 additional Class D felony convictions in FY 2019 and 71 additional Class C felony convictions in FY 2020. Of these convictions, 75.0% would be sentenced to prison.

Table 2 – HF 2255, Estimated Costs for Additional Convictions

Offense	Cost Range	Net Additional Convictions		Cost Increase Estimate	
		FY 2019	FY 2020	FY 2019	FY 2020
Class C Felony	\$7,900 - \$12,100	1	1	\$ 10,000	\$ 10,000
Class D Felony	\$9,000 - \$17,200	36	71	545,400	1,221,200
Aggravated Misd	\$3,300 - \$6,600	0	0	0	0
Total		37	72	\$ 555,400	\$ 1,231,200

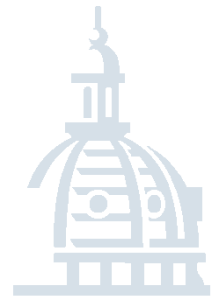
Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch – Office of the State Court Administrator
Officer of the State Public Defender
Board of Parole

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2270 – Kidnapping of Minor (LSB5455HV)

Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov

Fiscal Note Version – New

Description

[House File 2270](#) relates to kidnapping in the second degree. The criminal offense of kidnapping is defined in Iowa Code section [710.1](#). Under the Bill, a person commits kidnapping in the second degree when the victim is under the age of 18. The Bill specifies that a kidnapping by a parent or legal guardian whose sole purpose is to assume custody of a victim under the age of 18 is not kidnapping in the second degree.

Background

Under current law, kidnapping in the second degree occurs either when a person kidnaps another person and holds that person for ransom, or when the kidnapper is armed with a dangerous weapon. [House File 2270](#) would expand the definition of kidnapping in the second degree to include the kidnapping of a victim under the age of 18.

A person who commits kidnapping in the second degree commits a Class B forcible felony. A Class B felony is punishable by confinement for no more than 25 years. A person who commits kidnapping in the second degree accumulates reduced earned time under Iowa Code section [903A.2](#) and must serve a minimum sentence of at least 70.0% of the sentence prior to being eligible for parole. A person who commits kidnapping in the second degree under the Bill must also register as a tier III sex offender under Iowa Code chapter [692A](#) if a determination is made that the offense was sexually motivated.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The minimum cost per Class B felony includes judicial and probation costs to the State. The maximum cost per Class B felony includes costs to the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC).
- From FY 2002 to FY 2012, 8.8% of offenders convicted of kidnapping in the third degree had offenses involving the kidnapping of a child under the age of 18. It is assumed that 8.8% of kidnapping third degree convictions in FY 2017 would become kidnapping in the second degree convictions under the Bill.

Correctional Impact

The Bill is estimated to result in one additional inmate in the prison population five years following implementation. Ten years after implementation, it is estimated this Bill would increase the prison population by six inmates annually. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under supervision; and supervision marginal costs per

day for convictions of Class B felonies against persons. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Table 1 – Estimates for Sentencing

Conviction Offense Class	Percent Sentenced to State Prison	FY 17 Avg Length of Stay in Prison (months)	FY 17 Prison Marginal Cost per Day	FY 17 Avg Length of Stay on Parole (months)	FY 17 Marginal Cost per Day Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation (months)	FY 17 Avg Cost per Day on Probation	Percent sentenced to CBC Residential Facility	FY 17 Marginal Cost CBC per Day	Percent Sentenced to County Jail	Marginal Cost per Day
Class B Felony (Persons)	93%	90.2	\$17.52	33.3	\$4.93	9%	34.9	\$4.93	4%	\$10.56	44%	\$50.00

Minority Impact

Ten years after implementation, this Bill is estimated to increase the prison population by six inmates annually, one of which would be African American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

[House File 2270](#) is estimated to have a minimal fiscal impact. This estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The minimum cost to the State per Class B felony is \$12,500 and the maximum is \$29,600.

Sources

Department of Human Rights – Criminal and Juvenile Justice Planning Division
Department of Corrections

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2279 – School Operational Sharing Incentives for Social Workers (LSB5622HV)
Analyst: Jocelyn Gerrietts (515.238.2833) josie.gerrietts@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2279](#) allows school districts to enter into sharing agreements for the purpose of sharing a social worker and generating operational sharing weightings in the school aid formula at a level of 3.0 weights. The Bill takes effect upon enactment and applies to the FY 2019 school year.

Background

The operational sharing provision in the school aid formula was originally enacted in FY 2007 and implemented beginning in FY 2008. It was continued and expanded during the 2013 and 2014 Legislative Sessions and currently includes the following positions:

- Superintendent management functions, at a weighting factor of 8.0 pupils per position.
- Business management, human resources, transportation, and operation and maintenance functions, at a weighting factor of 5.0 pupils per function.
- Curriculum director and guidance counselor functions, at a weighting factor of 3.0 pupils per function.

School districts may accrue up to 21.0 additional weights in total through this provision. Fiscal Year 2020 is the final year of the operational sharing program unless the sunset is lifted.

Assumptions

- Districts have already submitted their FY 2019 sharing agreements for review by the Department of Education. The first year districts would be able to enter into agreements under this provision would be FY 2020.
- There are an estimated 234 districts sharing various positions. Of these, 86 districts have already reached the maximum weighting of 21.0, and an additional nine districts are sharing above the 18.0 level and would not be able to generate the full 3.0 weighting. Of the districts sharing, an estimated 26.9% share in the curriculum director area and 36.8% share counselors; these are the two functions allowed for 3.0 weighting.
- Of the 234 districts currently sharing, 139 will be ineligible for sharing in FY 2020 due to the three-year limit on operational sharing in current law.
- It is estimated that between 27.0% and 37.0% of districts that have not reached maximum weighting and will still have sharing eligibility will choose to share social workers. This is an additional 25 to 34 school districts.
- The State cost per pupil is set at \$6,664 and the Property Tax Replacement Payment (PTRP) at \$83 per student. Any change in the State cost per pupil or PTRP will affect the total cost.
- [House File 633](#) (Operational Sharing Extension) passed the House on April 18, 2017, and has passed out of the Bill subcommittee in the Senate. If enacted, more districts will be

eligible for the weighting as the three-year limit will be lifted. A fiscal estimate is provided for HF 2279 under current law (**Table 1**) and if HF 633 is enacted (**Table 2**).

Table 1

Estimated Impact of HF 2279 — FY 2020 School State Aid (Current Law)		
	<u>Low Estimate</u>	<u>High Estimate</u>
Number of Districts	25	34
Number of Weights Generated	75	102
Property Tax	\$ 56,250	\$ 76,500
State Aid	<u>\$ 443,550</u>	<u>\$ 603,228</u>
Total Estimated Revenue to Schools	<u>\$ 499,800</u>	<u>\$ 679,728</u>

Table 2

Estimated Impact of HF 2279 — FY 2020 School State Aid (Sunset and 3-Year Limit Removed)		
	<u>Low Estimate</u>	<u>High Estimate</u>
Number of Districts	40	54
Number of Weights Generated	120	162
Property Tax	\$ 90,000	\$ 121,500
State Aid	<u>\$ 709,680</u>	<u>\$ 958,068</u>
Total Estimated Revenue to Schools	<u>\$ 799,680</u>	<u>\$ 1,079,568</u>

Sources

Department of Education
Legislative Services Agency analysis and calculations

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
